

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

NATHANIEL SMITH, JR., )  
                          )  
                         Petitioner, )  
                          )  
                         v.               ) 1:13CV537  
                          ) 1:06CR325-1  
UNITED STATES OF AMERICA, )  
                          )  
                         Respondent. )

ORDER

On January 12, 2016, the United States Magistrate Judge's Recommendation was filed and notice was served on Petitioner pursuant to 28 U.S.C. § 636. Petitioner filed objections [Doc. #93] to the Recommendation within the time limit prescribed by Section 636. The Court has reviewed Petitioner's objections *de novo* and finds they do not change the substance of the United States Magistrate Judge's Recommendation [Doc. #91], which is affirmed and adopted.

IT IS THEREFORE ORDERED that Respondent's Motion to Dismiss [Doc. #81] is GRANTED, Petitioner's Motion to vacate, set aside or correct sentence [Doc. #76] is DENIED, and this action is DISMISSED, and that, finding no substantial issue for appeal concerning the denial of a

constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is DENIED.

This the 21<sup>st</sup> day of July, 2016.

/s/ N. Carlton Tilley, Jr.  
Senior United States District Judge